



This manual constitutes Lake County Procedure LC-44 which in turn implements Board of County Commissioner Policy LCC-80

# **DISADVANTAGED BUSINESS ENTERPRISE POLICY AND PROGRAM MANUAL FOR PROJECTS UTILIZING STATE OR FEDERAL DEPARTMENT OF TRANSPORTATION FUNDING OR GRANTS**

**Date: April 15, 2008**

**(Attachments 2 and 3 Updated to include FY2010 goals: xxxx xx, 2009)**

**OFFICE OF THE COUNTY MANAGER, LAKE COUNTY  
315 W. MAIN STREET  
TAVARES, FL 32778-7800**

**"Earning Community Confidence Through Excellence in Service"**

**JENNIFER HILL**  
*District 1*

**ELAINE RENICK**  
*District 2*

**DEBBIE STIVENDER**  
*District 3*

**LINDA STEWART**  
*District 4*

**WELTON G. CADWELL**  
*District 5*

## **POLICY STATEMENT**

By Policy Statement LCC-80, the Lake County Board of County Commissioners (LCBCC) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The LCBCC has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the LCBCC has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the LCBCC to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Director of the Office of Procurement Services has been delegated as the DBE Liaison Officer. In that capacity, that individual is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the LCBCC in its financial assistance agreements with the Department of Transportation.

The LCBCC has disseminated this policy statement to the all Lake County entities impacted by this policy and all of the components of the LCBCC organization. This policy has been distributed to DBE and non-DBE business communities that may perform work for the LCBCC on DOT-assisted contracts via notice of, and link to, the policy on the LCBCC Office of Procurement Services internet and intranet websites.

## **SUBPART A – GENERAL REQUIREMENTS**

### **Objectives**

The objectives are found in the policy statement on the first page of this program.

### **Applicability**

The LCBCC is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

### **Definitions**

The LCBCC will adopt the definitions contained in Section 26.5 for this program.

### **Non-discrimination Requirements**

The LCBCC will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the LCBCC will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

### **Record Keeping Requirements**

Pursuant to DOT: 26.11(b), as a FTA recipient, LCBCC will report DBE participation to DOT on a quarterly basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

### **Bidders List**

The LCBCC will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on LCBCC DOT-assisted contracts. The purpose of this requirement is to enable any required use of the bidder's list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

LCBCC will collect this information in the following ways:

1. A solicitation-specific "tally sheet" showing all participating vendors under competitive LCBCC DOT-assisted contract will be prepared with additional

information identifying each responding vendor as a DBE or non-DBE. This solicitation-specific information will then be used to assemble and maintain a master list of all vendors responding as potential prime contractors to LCBCC DOT-assisted contracts. The master list will include all the specific information items cited above.

2. A contract clause will be included in all LCBCC DOT-assisted contracts requiring prime bidders to report the names, addresses, and DBE status of all firms who quote to them on subcontracts, and the value of each specific subcontract awarded. This contract-specific information will then be used to assemble and maintain a master list of all vendors responding as potential subcontractors under LCBCC DOT-assisted contracts. The master list will include all the specific information items cited above.

### **Federal Financial Assistance Agreement**

LCBCC has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

#### Assurance: 26.13(a)

LCBCC shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. LCBCC shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. LCBCC's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the LCBCC of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*). This language will appear in financial assistance agreements with sub-recipients.

#### Assurance: 26.13b

*LCBCC will ensure that the following clause is placed in every DOT-assisted contract and subcontract:*

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

## **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

### **DBE Program Updates**

Since the LCBCC has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, LCBCC will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

### **Policy Statement**

The Policy Statement is elaborated on the first page of this program.

### **DBE Liaison Officer (DBELO)**

The following individual has been designated as the LCBCC DBE Liaison Officer:

Mr. Barnett Schwartzman, Director, Lake County BCC, Office of Procurement Services, 315 West Main Street, Suite 416, Tavares, FL 32778

Phone: 352-343-9424      E-mail: bschwartzman@lakecountyfl.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the LCBCC complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the County Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO will have access to the full staff within the Office of Procurement Services to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in DOT-assisted solicitations, and to identify measures intended to enable goal fulfillment.
6. Participates in pre-bid/proposal meetings under DOT-assisted solicitations.
7. Advises the County Manager and Board of County Commissioners on DBE matters

and achievement.

8. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.

9. Plans and participates in DBE training seminars.

10. Acts as liaison to the Uniform Certification Process in Florida.

11. Provides outreach to DBEs and community organizations to advise them of opportunities.

12. Maintains the LCBCC process and information as described in the “Bidder’s List” section of this document.

### **DBE Financial Institutions**

It is the policy of the LCBCC to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. Via accessing [www.federalreserve.gov/releases/mob](http://www.federalreserve.gov/releases/mob), the LCBCC has identified below all such institutions located in Florida that are included in the most current Federal Reserve listing as of May 2009.

Continental NB of Miami, Miami, FL  
Continental NB of Miami, Hialeah, FL  
Continental NB of Miami, Sweetwater, FL  
Continental NB of Miami, Hialeah Gardens, FL  
Great Eastern Bank of Florida, Miami, FL  
Great Eastern Bank of Florida, North Miami Beach, FL  
Interamerican Bank FSB, Miami, FL  
Urban TR Bank, Orlando, FL  
One United Bank, Miami, FL  
One United Bank, Lauderdale Lakes, FL  
United Central Bank, Tampa LPO, Tampa, FL

### **Prompt Payment Mechanisms**

The LCBCC will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than ten (10) calendar days from the receipt of each payment the prime contract receives from LCBCC. The prime contractor agrees further to return retainage payments to each subcontractor within ten (10) calendar days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the LCBCC. This clause applies to both

DBE and non-DBE subcontracts.

### **Directory**

The LCBCC will utilize the State of Florida Unified Certification Program to identify firms eligible to participate as DBEs. Under the LCBCC DOT-assisted procurement program. The DBELO will be responsible for advising firms of the certification process associated with the Unified Certification Program.

### **Over-concentration**

LCBCC has not identified that over-concentration exists in the types of work that DBEs perform.

### **Business Development Programs**

LCBCC has not established a business development program specifically tailored to the development of individual business enterprises.

### **Monitoring and Enforcement Mechanisms**

The LCBCC will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities as listed in the County's Purchasing Procedure Manual, including responsibility determinations in future contracts.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by monitoring field operations subsequent to award.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract or subcontract award.

## **SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Set-asides or Quotas**

The LCBCC does not use quotas in any way in the administration of this DBE program.

### **Overall Goals**

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 2 to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f) the LCBCC will submit its overall goal to DOT on annual basis as determined by the applicable operating administration. Before establishing the overall goal each year, LCBCC will consult with pertinent parties to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the LCBCC's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the LCBCC will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours for 30 days following the date of the notice, and informing the public that LCBCC and DOT will accept comments on the goals for 45 days from the date of the notice. This notice will be placed on the County's internet website. Normally, the LCBCC will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. The overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

The LCBCC will begin using its overall goal on October 1 of each year, unless other instructions are received from DOT. If LCBCC establishes a goal on a project basis, LCBCC will begin using the goal by the time of issuance of the first solicitation for a DOT-assisted project contract.

### **Transit Vehicle Manufacturers Goals**

LCBCC will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, LCBCC may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.



## **Breakout of Estimated Race-Neutral & Race-Conscious Participation**

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 3 to this program. This section of the program will be updated annually when the goal calculation is updated.

## **Contract Goals**

The LCBCC will use contract goals to meet any portion of the overall goal LCBCC does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

The LCBCC will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. A goal will not be established for every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work). The LCBCC will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

## **Good Faith Efforts Procedures**

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as being in essential compliance with the pertinent contractual requirements.

The LCBCC will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before LCBCC commits to the performance of the contract by the bidder/offeror.

LCBCC treats bidder/offeror compliance with good faith efforts requirements as a matter of responsibility.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor

whose participation it submits to meet a contract goal;

5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment; and

6. If the contract goal is not met, evidence of good faith efforts.

Within five (5) working days of being informed by LCBCC that it is not determined to be responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the County Attorney Office. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The LCBCC will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

LCBCC will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. LCBCC will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. In this situation, LCBCC will require the prime contractor to obtain LCBCC prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, the LCBCC contracting officer may issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may initiate a termination for default proceeding in the manner proscribed in the County's Purchasing Procedure Manual.

Sample Bid Specification When a Contract Goal is to be Used:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the LCBCC to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of \_\_\_\_ percent has been established for this contract. The bidder/offeror shall make good faith

efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

### **Counting DBE Participation**

The LCBCC will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

## **SUBPART D – CERTIFICATION STANDARDS**

### **Certification Process**

The LCBCC will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The LCBCC will make its certification decisions based on the information presented within the applicable Unified Certification Program. For information about the certification process or to apply for certification under that program, firms should contact the County's DBELO.

## **SUBPART E – CERTIFICATION PROCEDURES**

### **Unified Certification Programs**

The LCBCC utilizes the Unified Certification Program (UCP) administered by the State of Florida. The UPC will meet all of the requirements of this section.

### **Procedures for Certification Decisions**

As directed by the terms and conditions associated with the State of Florida's UCP.

## **SUBPART F – COMPLIANCE AND ENFORCEMENT**

### **Information, Confidentiality, Cooperation**

The LCBCC will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Vendors are advised that the State of Florida has a very comprehensive public disclosure process, and it can be assumed that a document provided to a public official will generally be subject to release upon request by a third party.

### **Monitoring Payments to DBEs**

The LCBCC will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the LCBCC or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The LCBCC will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

## **ATTACHMENTS**

Attachment 1: Organizational Chart

Attachment 2: Overall Goal Calculation

Attachment 3: Breakout of Estimated Race-Neutral & Race-Conscious Participation

Attachment 4: Form 1 & 2 for Demonstration of Good Faith Efforts

**ATTACHMENT ONE**  
**ORGANIZATIONAL CHART**

LAKE COUNTY BOARD OF COUNTY COMMISSIONERS

COUNTY MANAGER

DIRECTOR, OFFICE OF PROCUREMENT SERVICES

## ATTACHMENT TWO

### OVERALL GOAL CALCULATION FOR FY 2010

Pursuant to 49 CFR 26.45, Lake County BCC is required to establish an annual overall goal on a fiscal year basis for the participation of DBEs in all budgeted contracts utilizing Federal DOT financial assistance. The annual overall goal shall be expressed as a percentage of the total amount of Federal DOT Region IV funds Lake County BCC anticipates receiving and/or expending in each fiscal year. The current anticipated value of such funding for fiscal year 2010 (1 Oct 2009 through 30 Sep 2010) is \$597,000 for normal operations and the potential of a separate grant estimated at \$2,500,000 for construction related services. The Lake County BCC's annual overall goal represents the relative quantity of certified DBEs that are available to participate in contracting opportunities and reflects the amount of DBE participation that Lake County BCC would expect absent the effects of discrimination. Lake County BCC intends to meet this goal to the maximum extent feasible through the race-neutral measures described below. Should race-neutral measures prove inadequate to meet the annual overall goal, Lake County BCC may establish specific contract goals for particular projects with subcontracting opportunities.

#### Methodology used to Calculate Overall Goal

Step 1: Determine the base figure for the relative availability of DBEs.

The base figure for the relative availability of DBE's was calculated as follows:

Base figure = 29 ready, willing, and able DBEs

The data source or demonstrable evidence used to derive the numerator is the State of Florida Department of Transportation Unified Certification Program (UCP) DBE directory (<http://www.bipincwebapps.com/biznetflorida>). The primary type of LCBCC work anticipated to be supported by DOT grant funding identified above is the construction of public transportation maintenance facilities. This work falls primarily under NAICS codes 23621 (industrial building construction) and 23622 (commercial or institutional building construction), Vendors listed under codes 23794 (other heavy civil construction), 23891 (site preparation), and 23819 (other structural exterior contractors) have been included in the base figure as it is possible such vendors could be utilized for portions of a construction effort using FTA funding. Review of the UCF directory resulted in identification of 29 certified DBE entities under these five codes for Lake and all surrounding counties. The geographic parameter is based on the fact the Lake County's mailing list is comprised primarily of vendors within that geographic range, and because LCBCC solicitations often require vendors to have operational offices within that geographic area to ensure appropriate oversight and coordination throughout contract performance.

The data source or demonstrable evidence used to derive the denominator was the

current Lake County vendor list for commodity code 973-160 (Construction Contractors). There are 334 vendors registered with the County under that commodity code. As a matter of confirmation, the scope of commodity code used by LCBCC for construction contractors appears to be directly analogous to the scope of the NAICS codes cited above. It is therefore determined that using the five NAICS codes cited above in conjunction with LCBCC commodity code 973-160 results in a fair and equitable basis of evaluation. A base goal number of 8.7% is derived when the number of ready and willing DBE vendors (29) is divided by the number of related-commodity vendors on the Lake County vendor list (334).

Step 2: Adjustment needed to the base figure in order to arrive at the overall goal.

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal. Based on this review, it has been determined that a significant adjustment to the base goal identified above is required to reflect as accurately as possible the DBE participation we would expect in the absence of discrimination.

A primary factor used to determine whether an adjustment to the base figure should be considered is the equivalent goal calculated and accepted for the city of Leesburg, Florida. Current coordination with the purchasing office of that entity indicates that Leesburg is a participant in the DOT UCP, and had previously established a goal value of 14.31% applicable to construction effort at the Leesburg Municipal Airport. Leesburg is within Lake County, and is in fact adjacent to the location of the LCBCC procurement office. It is therefore presumed and accepted that Leesburg and LCBCC are operating in a virtually identical competitive market. Therefore, comparison of the established Leesburg goal with the above-calculated LCBCC base goal number supports a determination that the calculated base number for Lake County is understated and should be adjusted to more closely reflect the Leesburg goal.

A second factor that suggests an upward adjustment in the base goal number is appropriate is the fact that the Lake County procurement office recently completed a major vendor outreach effort that, in conjunction with current depressed market conditions, resulted in the registration of many additional local construction vendors on the County's procurement website. This effort is considered the primary contributing factor to the significant increase in the number of vendors now listed with Lake County under code 973-160. It is expected that this quantity is artificially high and will taper off as private sector market conditions improve. Therefore the current inflated quantity of vendors listed with the County under code 973-160 should not serve as an absolute quantitative factor to establish a DBE goal significantly below the previous established goal value.

Given all the above, LCBCC hereby adopts the established Leesburg goal of 14.31% for DBE participation on all LCBCC contracts awarded during FY 2010 utilizing Federal DOT public transportation grant funding over \$250,000.

Public Participation:

LCBCC will publish our goal information on its general public website and establish a period of forty-five (45) days for receipt of comment by the general public. All comments received will be fully considered, and appropriately addressed. This page will be amended to include a summary of comments received, and responses thereto.

DRAFT



### **ATTACHMENT THREE**

#### **BREAK-OUT OF ESTIMATED RACE-NEUTRAL AND RACE-CONSCIOUS PARTICIPATION**

Lake County BCC intends to meet the established goal by utilization of two primary race-neutral measures as follows:

1. Lake County will ensure that all appropriate DBE firms will be included in the solicitation process when the Lake County BCC procurement office issues a solicitation for goods, services, or construction that are funded in full or in part by Federal DOT grants that require such specific effort. Lake County will use the Unified Certification Program (UCP) DBE Directory published by the Florida Department of Transportation for this purpose. A list of certified UCP DBEs is maintained by the Florida Department of Transportation's Equal Opportunity Office at <http://www.bipincwebapps.com/biznetflorida/>.
2. Lake County will ensure that all solicitations and resultant contracts issued by the Lake County BCC procurement office for goods, services, or construction that are funded in full or in part by federal DOT grants will include subcontractor selection requirements that support the goal established above.

## ATTACHMENT FOUR

### FORM 1 AND 2 FOR DEMONSTRATION OF GOOD FAITH EFFORTS

*[Forms 1 and 2 should be provided as part of the solicitation documents.]*

#### FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

\_\_\_\_\_ The bidder/offeror is committed to a minimum of \_\_\_\_\_ % DBE utilization on this contract.

\_\_\_\_\_ The bidder/offeror (if unable to meet the DBE goal of \_\_\_\_\_%) is committed to a minimum of \_\_\_\_\_% DBE utilization on this contract submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By \_\_\_\_\_

(Signature)

Title

#### FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Description of work to be performed by DBE firm:

-----  
-----  
-----  
-----

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ \_\_\_\_\_.

#### Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By \_\_\_\_\_

(Signature)

(Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor.)